



Variance Petition No. 201500025

HEARING & MEETING DATES

Board of Appeals Hearing
March 12, 2015

APPLICANT/PETITIONER INFORMATION

Property Owner
Ron Zaken

Petitioner
Ron Zaken

Representative
Ron Zaken

PROPERTY INFORMATION

Address, Land Lot(s), and District	5730 Pine Brook Drive Land Lot 37, 17 th District
Council District	5 (Tibby DeJulio)
Frontage	Approximately 113 feet of frontage along the south side of Pine Brook Road
Area	Approximately 0.48 acres
Existing Zoning	R-3 (Single family dwelling district)
Existing Use	Single family dwelling unit
Overlay District	N/A

2027 Comprehensive
Future Land Use Map Designation
Residential 2 to 3 units per acre (R2-3)

INTENT

The applicant is proposing to enclose a carport. The applicant is requesting one (1) primary variance(s) as follows:

1. A primary variance from Section 109.225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the 25 undisturbed buffer.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201500025 – 1) APPROVAL CONDITIONAL

STANDARDS FOR CONSIDERATION

Variance #1

Primary variance from Section 109-225 (a) (1) & (2) of the Stream Buffer Protection Ordinance for relief from the seventy-five (75) foot impervious surface setback and fifty (50) foot undisturbed buffer to allow an addition to the existing single family residence.

Standards for Consideration

	Existing Site	Proposed Plan	Net Change
0' – 25' State Stream Buffer	541 sf	541 sf	0 sf
25' – 50' City Stream Buffer	750 sf	750 sf	0 sf
50' – 75' Impervious Surface Setback	1,040 sf	1,040 sf	0 sf
Total Impervious Surface encroaching in Stream Buffer	2,331 sf	2,331 sf	0 sf

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

a. *When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.*

Finding:

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes that the stream buffers covers over 75% of the property, including a large portion of where the existing dwelling is constructed. The home that exists on the lot is within the 50 foot and 75 foot stream buffers. The proposed carport enclosure would be within the 25 and 50 undisturbed buffers. Based on these reasons, staff is of the opinion that an addition to the home would be prevented unless a variance is granted and that this condition has been satisfied.

b. *Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.*

Finding:

Due to the location of the stream and the existing dwelling, area for a garage is limited. In order for the applicant to construct an enclosed parking structure encroachment into the stream buffers would be necessary. Enclosing the current carport is likely the least intrusive method of creating an enclosed parking structure as it is already an impervious surface. The proposal would not create additional encroachment into any of the stream buffers either. Based on these reasons, staff is of the opinion that this condition has been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. *The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;*

Finding:

The property does have some topographic changes across the lot. When the stream buffers are combined with the location of the existing dwelling, opportunities for an addition without encroaching into the stream buffers are severely limited. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.

b. *The locations of all streams on the property, including along property boundaries;*

Finding:

The locations of all streams and property boundaries are shown on the attached site plans. Staff is of the opinion this condition has been satisfied.

c. *The location and extent of the proposed buffer or setback intrusion;*

Findings:

The location and extent of the stream buffer intrusions are identified on the attached site plan and are included in the table above. Staff is of the opinion this condition has been satisfied.

d. *Whether alternative designs are possible which require less intrusion or no intrusion;*

Findings:

Alternative designs have not been discussed with staff. There are limited options to enclose the current carport. Therefore, staff is of the opinion this condition has been satisfied.

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

The applicant will be required to use Best Management Practices (BMPs) during the construction of the house. The City will monitor the sites BMPs. The applicant has indicated water flowing down the driveway will be diverted around and to the rear of the property.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

The proposed addition would not create additional impervious surfaces or encroachment into the twenty-five (25) foot state buffer. Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site conditions.

Department Comments

Focus Meeting held on Wednesday, February 4, 2015, and no comments were provided from the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, Arborist, or Site Development.

Conclusion

Staff has reviewed the request relative to the variance standards contained in the Sandy Springs Zoning Ordinance and Stream Buffer Protection Ordinance. The proposal does not add additional impervious surface or further encroach into the 25 foot undisturbed buffer. Based upon this review, staff recommends **APPROVAL CONDITIONAL** of the variance requests to allow enclosure of a carport.

Recommended Condition(s)

Should the Board of Appeals choose to approve the request, staff recommends the following conditions:

- 1) Approval from the Georgia Environmental Protection Department for encroachment into the 25 foot undisturbed buffer.
- 2) To enclose a carport as shown within the site plan dated received January 6, 2015 by the Department of Community Development.
- 3) To route runoff from the driveway and reconstructed portions of the roof of the home to the rear of the property away from the creek to a flow well or similar or similar device to disperse stormwater runoff subject to approval from the Georgia Environmental Protection Department.

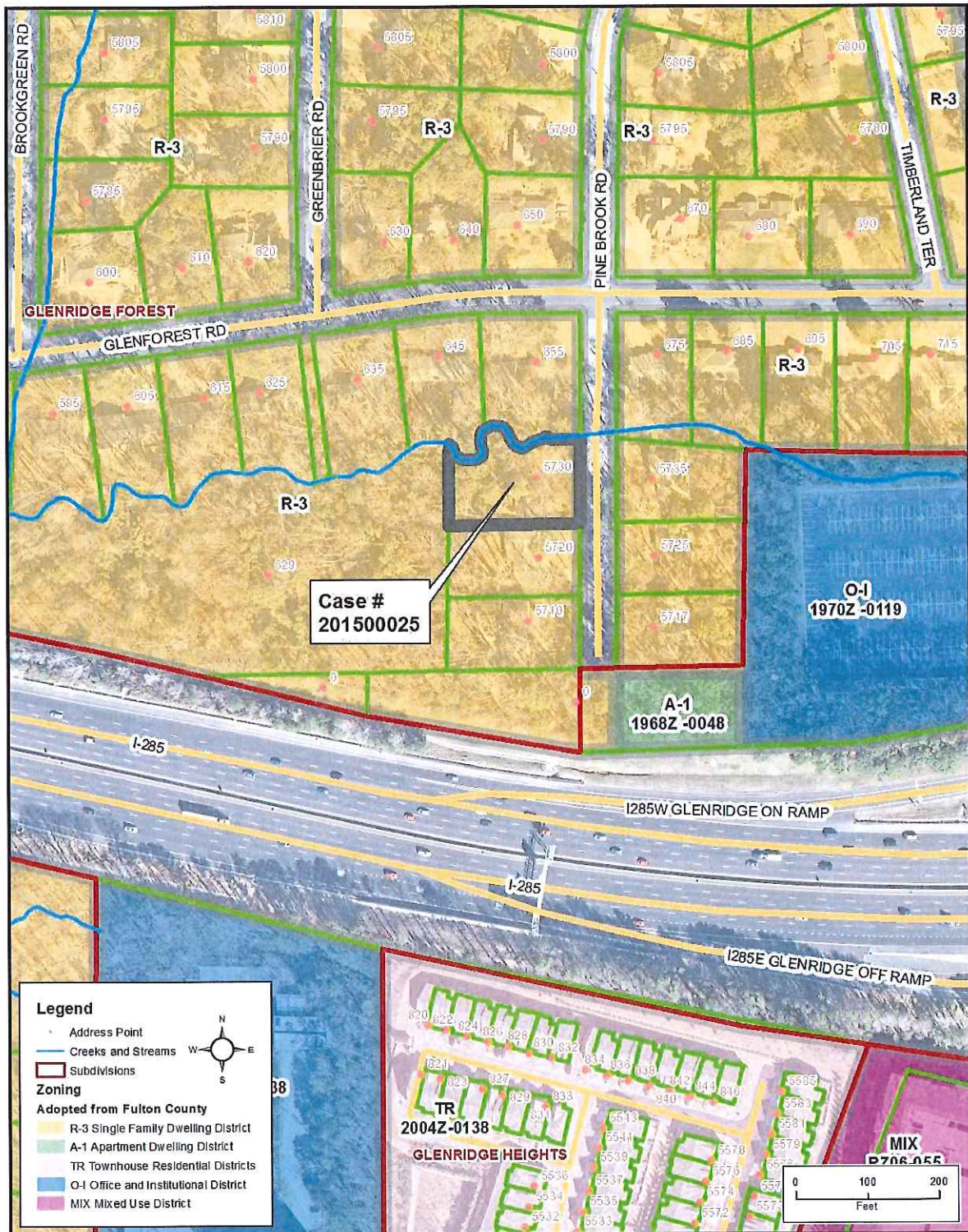
ATTACHMENTS:

Parcel Map

Proposed Site Plan – Dated received January 6, 2015

Site Photographs

5730 Pine Brook Road



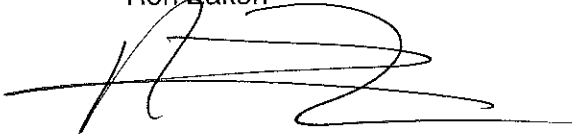
LETTER OF INTENT
REF : 5730 Pine Brook Rd.
Sandy Springs Ga. 30328

1/6/2015

Dear Sir/ Madam

My name is Ron Zaken, I am the owner of the property above, my intention regarding this property is to enclose the existing car port in to a two car garage, we will create a French drain in the drive way in order to direct the storm water to the back of the property, and away from the creek, I have filed the necessary forms to the EPD as well, the size of the existing car port is 440 SF, and will remain the same, if there are any questions i can be reached at 4043763372,

Thank you,
Ron Zaken

A handwritten signature in black ink, appearing to be 'R. Zaken', with a long horizontal stroke extending to the right.

The field data upon which this plat is based has a closure precision of one foot in 15,000+ feet and an angular error of 03" seconds per angle point and was adjusted using the Compass Rule. This plat has been calculated for closure and is found to be accurate within one foot in 100,000+ feet.

Equipment used: Topcon GTS-213 Total Station.

RECEIVED

JAN 6 2015

City Of Sandy Springs
Community Development

MAGNETIC NORTH
N

LEGEND

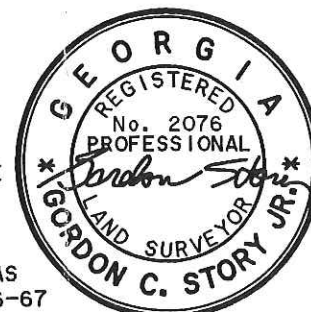
IPF = 1/2" REBAR FOUND
IPS = 1/2" REBAR PIN SET
LL = LAND LOT
L.L.L. = LAND LOT LINE
P.L. = PROPERTY LINE
CL = CENTERLINE
B.L. = BUILDING LINE
R/W = RIGHT-OF-WAY
S.S.E. = SANITARY SEWER EASEMENT
D.E. = DRAINAGE EASEMENT
MH = MANHOLE
C.B. = CATCH BASIN
J.B. = JUNCTION BOX
HW = HEADWALL
D.I. = DROP INLET
PP = POWER/UTILITY POLE
F.H. = FIRE HYDRANT
I.E. = INVERT ELEVATION
F.F.E. = FINISHED FLOOR ELEVATION
F.F.B. = FINISHED FLOOR BASEMENT
F.F.G. = FINISHED FLOOR GARAGE
BOC = BACK OF CURB
EP = EDGE OF PAVEMENT
N/F = NOW OR FORMERLY
P.O.B. = POINT OF BEGINNING
SS = SANITARY SEWER LINE/PIPE
-X-X-X- = FENCE LINE
O = FLOOD HAZARD ZONE LINE
= STORM SEWER LINE/PIPE
W = WATER LINE
G = GAS LINE
CM = CONCRETE MONUMENT
C.E. = CONSTRUCTION EASEMENT
C&G = CURB AND GUTTER
LS = LIGHT STANDARD
OTP = OPEN TOP PIPE FOUND
CTP = CRIMP TOP PIPE FOUND

N/F:
FOUR IS, LLC
DB: 20601, PG: 137

N/F:
MARY BERRY
DB: 36042, PG: 565

20 10 0 20
GRAPHIC SCALE - 1" = 20'

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67



N/F:
JAMES G. BROCK
DB: 51375, PG: 403

ALPHA LAND SERVICES
1005 ECHO VALLEY COURT
LOGANVILLE, GA. 30052
ENGINEERING * LAND SURVEYING
OFF: 770.696.4054 FAX: 770.696.4054

REVISION: _____
REF. PLAT: PB. 57 P. 42

SURVEY FOR:

5730 PINE BROOK ROAD
TAX PARCEL #17003700040080

LAND LOT: 37	LOT: 3	BLOCK: L
DISTRICT: 17TH	SUB: GLENRIDGE FOREST	
FULTON COUNTY		
GEORGIA		
FIELD DATE: 11/18/14	AREA = 0.40 ACRES +/-	
PLAT DATE: 11/18/14	JOB No. 14-11-361	

DIRECTING THE STORM WATER AWAY FROM THE CREEK

